

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

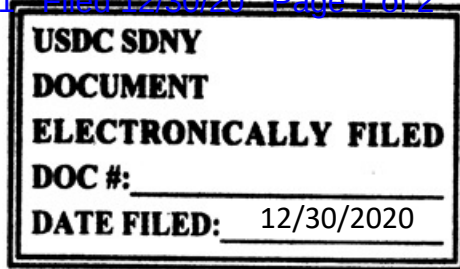
CLDN Cobelfret Pte Ltd,

Petitioner,

-against-

Trorient LLC,

Respondent.



1:20-cv-09926 (VSB) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

WHEREAS, on November 25, 2020, this action was commenced by Petitioner by filing a Verified Petition to Confirm Arbitration Awards (ECF No. 1); and

WHEREAS, on the same day, Petitioner filed a Notice of Petitioner to Confirm Arbitration Awards, along with a supporting declaration and memorandum of law (ECF Nos. 4-6); and

WHEREAS, on December 2, 2020, Petitioner filed a Certificate of Service stating that Petitioner had served the foregoing papers, among others, upon Respondent on November 30, 2020, "by FedEx Priority Overnight . . . in accordance with Rule 35 of the Maritime Arbitration Rules of the Society of Maritime Arbitrators Inc. [the 'SMA Rules']" (ECF No. 9); and

WHEREAS, Rule 35 of the SMA Rules provides that "service of any papers, notices or process necessary to initiate or continue an arbitration under these Rules or a court action to confirm judgment on the Award issued" may be made "[b]y mail addressed to such party or counsel at their last known address" or "[b]y personal service" (ECF No. 5-4 at PDF p. 12); and

WHEREAS, on December 2, 2020, the pending petition and motion were referred to me for a report and recommendation (ECF No. 10); and

WHEREAS, it is not clear on the record before the Court that service by FedEx Priority Overnight is equivalent to service by mail, *see Greystone CDE, LLC v. Sante Fe Pointe L.P.*, No. 07-CV-08377 (RPP), 2007 WL 4230770, at *4 (S.D.N.Y. Nov. 30, 2007), and/or that Respondent received the package sent by FedEx Priority Overnight.

NOW, THEREFORE, it is hereby ORDERED, as follows:

1. No later than January 8, 2020, Petitioner shall:
 - (a) file with the Court a FedEx delivery confirmation reflecting delivery of the package containing the papers set forth in the Certificate of Service;
 - (b) serve upon Respondent the papers set forth in the Certificate of Service, along with a copy of this Order, either (i) by mail via the U.S. Postal Service addressed to Respondent at its last known address, or (ii) by personal service; and
 - (c) file with the Court proof of the service effected pursuant to paragraph 1(b).
2. Any papers from Respondent in opposition to confirmation of the arbitration awards shall be filed no later than 14 days from the date of service, if Respondent is served personally, or 17 days from the date of service, if served by mail.

SO ORDERED.

Dated: New York, New York
December 30, 2020



STEWART D. AARON
United States Magistrate Judge